

Service Date: October 7, 1987

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER Of The Service)	
Complaint of Kelly J. Munsell)	UTILITY DIVISION
Against The Mountain Water Co.,)	DOCKET NO. 87.10.52
Missoula, Montana.)	ORDER NO. 5299
_____)	

1. On October 5, 1987, the Public Service Commission (Commission) received a complaint from Kelly J. Munsell, 6450 S. Meadowwood Lane, Missoula, Montana. Mr. Munsell informed the Commission through a telephone conversation with Commissioner Howard Ellis, that there is a leak in his water service line. He indicated that the leak is located on that portion of the line between the water main and his property. Mr. Munsell notified the Mountain Water Company and was told that the Company would not repair the leak.

2. Title 69, Chapter 4, Section 511(1) states in pertinent part as follows:

The private water service provider is responsible for the cost of maintaining water service pipelines from the main to the owner's property line, except that the property owner shall pay for pipe and other supplies used in maintaining water service lines between the main and his property line.

CONCLUSIONS OF LAW

1. A private water utility is responsible for maintaining water service lines running from the utility water main to a customer's property line. Private water utilities are responsible for the cost of maintenance and the property owners are responsible for the cost of pipe and other supplies necessary to the maintenance. 69-4-511(1), MCA.

2. Mountain Water Company is a public utility regulated by the Montana Public Service Commission. 69-3-101, MCA.

3. The Commission may, upon receiving a complaint, issue an order to provide service to a residential consumer pending a hearing on the complaint, providing that a hearing is held within 20 days unless delayed by consent of all parties. 69-3-321(2).

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. Mountain Water Company shall, within 3 days of the date of this order, repair the service line running from the water main to the property line of Kelly J. Munsell, 6450 S. Meadowwood Lane, Missoula, Montana. If Mr. Munsell has repaired the line, or had the line repaired, then Mountain Water Company shall immediately make arrangements to reimburse Mr. Munsell for the reasonable cost of

that repair, minus the cost of pipe and other supplies necessary for the repair.

2. This order will be stayed pending a hearing if Mountain Water Company, within 3 days of the date of this order, submits by affidavit facts that raise a question as to the legitimacy of this order. If requested by either party within 5 days of this order, a hearing on this complaint will be held in Missoula, Montana at the Mountain Water Company offices at 1345 W. Broadway, at 3:00 p.m., October 26, 1987.

DONE AND DATED at open session at Helena, Montana this 7th day of October, 1987, by a 4 - 0 vote.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Commissioner

TOM MONAHAN, Commissioner

JOHN B. DRISCOLL, Commissioner

ATTEST:

Ann Purcell
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.